

AO 91 (Rev. 11/11) Criminal Complaint

FILED**UNITED STATES DISTRICT COURT****ALBUQUERQUE, NEW MEXICO**for the
District of New Mexico**AUG 21 2018**United States of America
v.**BRANDON CHARLEY**
DOB: XX/XX/1984Case No. 18-MJ-2711*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

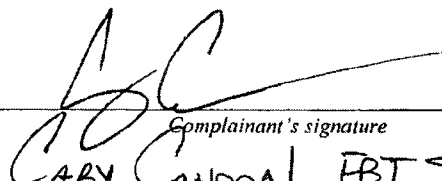
On or about the date(s) of June 24, 2018 in the county of McKinley in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 1153	Offenses committed within Indian Country
18 USC 1111(a)	Murder
18 USC 924(c)	Use of a firearm in a crime of violence

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature
CARY CAHOON FBI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: August 21, 2018City and state: Farmington, NM


Judge's signature
B. Paul Briones, US Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

VS

BRANDON CHARLEY
Year of birth: 1984

)
) Case No. 18-MJ-2711
)

) AFFIDAVIT IN SUPPORT OF
) ARREST WARRANT
)

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR AN ARREST WARRANT**

I, the undersigned, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for arrest warrant for BRANDON CHARLEY, year of birth 1984, (hereinafter CHARLEY).
2. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), and have been employed as such for approximately 19 years. I am currently assigned to the Farmington Resident Agency of the FBI located in Farmington, New Mexico. My investigative responsibilities include violent crimes and child sexual assaults committed on the Navajo Indian Reservation and the Jicarilla Apache Indian Reservation. The facts in this affidavit come from information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. During the course of the investigation the following information was obtained:

PROBABLE CAUSE

3. On June 24, 2018, Criminal Investigator Robert James, with the Navajo Nation Police, contacted FBI Special Agent Aaron P. Carp and advised that one (1) individual was killed as a result of a gunshot in the area of Prewitt, New Mexico.
4. On June 24, 2018, SA Carp responded to the vicinity of 57A Pillowcrest Road, Prewitt, New Mexico to find the New Mexico State Police and Navajo Police already on scene. The law enforcement on scene directed SA Carp to the body of JOHN DOE, year of birth 1994. JOHN DOE was covered with a white sheet. SA Carp lifted the sheet to find one penetrating wound just left of the center of his chest.

5. On June 24, 2018, the Navajo Police took E.T., year of birth 1982, into custody as a suspect also involved in the death of JOHN DOE. E.T. waived his Miranda rights and agreed to an interview while still in custody of the Navajo Police. E.T. stated that E.T. drove a grey in color Chevrolet Tahoe, with CHARLEY as the passenger, in the vicinity of 57A Pillowcrest Road, Prewitt, New Mexico when they both witnessed an unknown male striking an unknown female. Upon approach, E.T. noted blood on the female's face. The unknown male ran away. While speaking with the unknown female, the unknown male returned with a neon pink baseball bat. E.T., driving the Tahoe, fled the area when he saw the unknown male returning with a neon pink baseball bat. As E.T. drove away, the back window of the truck shattered. E.T. did not know if it was a rock or a gun shot that broke the rear window.
6. E.T. drove back to his residence with CHARLEY. CHARLEY exited the vehicle and returned holding a hand gun. CHARLEY demanded E.T. drive CHARLEY back to the area where the man with the neon pink baseball bat was last seen. E.T. complied out of fear.
7. E.T. drove the Tahoe with CHARLEY towards the area where they last saw the man with the neon pink baseball bat. E.T. saw several men in that area with a white truck. At some point CHARLEY exited the vehicle and E.T. started to turn the vehicle around to leave. During that time he heard gun shots. CHARLEY re-entered the Tahoe and told E.T. to "GO".
8. E.T. identified CHARLEY as having a black hand gun and having fired the hand gun.
9. CHARLEY declined an interview request by SA Carp on June 24, 2018. CHARLEY was in the custody of Navajo Police at that time.
10. SA Carp collected three bullet casings found in the area where E.T. described to have turned the Tahoe around and heard gun shots. The casings were stamped "Winchester 357 Sig".
11. W.C., year of birth 1983, is CHARLEY's brother. W.C. identified the structure at 57B Pillowcrest Road, Prewitt, New Mexico as the place where CHARLEY is currently staying. W.C. further detailed how CHARLEY primarily resides in Albuquerque, New Mexico. CHARLEY is the only one currently staying at 57B Pillowcrest Road, Prewitt, New Mexico, which is owned by his mother, A.C.
12. W.C. provided that CHARLEY owns a "380 Sig", a hand gun.
13. B.S., year of birth 1983, agreed to an interview conducted by investigators. B.S. said he rode in a white Ford Explorer with other family members on June 24, 2018. While in the Explorer in the area of Prewitt, New Mexico, JOHN DOE ran to the Explorer while

holding a bat and not wearing a shirt. JOHN DOE wanted a ride to a green Ford Explorer. JOHN DOE stood on the rear bumper of the white Ford Explorer as it drove towards the green Ford Explorer and then parked. JOHN DOE then jumped off the rear bumper and ran towards the green Ford Explorer with the bat. JOHN DOE threw a rock at the green Ford Explorer, which broke the back window of the green Ford Explorer. After, two other occupants of the white Ford Explorer exited the vehicle and approached JOHN DOE to see the situation. JOHN DOE then asked for help with an unidentified woman. JOHN DOE then tried to get the unidentified woman into the white Ford Explorer. At that time, B.S. saw the green Ford Explorer returning. JOHN DOE stated "just leave!" and pushed B.S. into the white Ford Explorer. B.S. stated the green Ford Explorer shot at the white Ford Explorer. That is when JOHN DOE got shot. The white Ford Explorer hastily drove away and the occupants fled the scene.

14. It is SA Carp's understanding that when B.S. describes a "green Ford explorer" that B.S. is referring to the Chevrolet Tahoe operated by E.T. that day. E.T. described the back window shattering from either a rock or gunshot and B.S. described watching JOHN DOE throw a rock that shattered the rear window of the "green Ford Explorer."
15. The hand gun was not recovered.
16. In the evidence returned to the FBI from the Office of the Medical Investigator (hereinafter OMI) were two objects that the OMI identified as "missiles". It is SA Carp's understanding that these "missiles" are fragments from a bullet. Further, the OMI report generated as a result of the autopsy of John Doe 1 indicated a firearm injury with two projectiles recovered.

JURISDICTIONAL STATEMENT

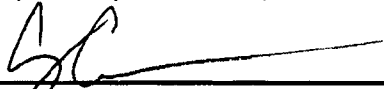
17. In a letter dated July 2, 2018, the Navajo Nation, Navajo Land Department, identified the coordinates, of where John Doe 1's body was found, are within the boundaries of the Navajo Indian Reservation.
18. BRANDON CHARLEY and John Doe 1 are enrolled members of the Navajo Nation.

CONCLUSION

19. Based on the facts set forth in this affidavit, there is probable cause to believe that a violation of Title 18 United States Code §§ 1153, 1111(a), and 924(c), that being murder by use of a firearm within Indian Country, was committed by BRANDON CHARLEY when he shot John Doe 1 on June 24, 2018.

20. Based on the foregoing, your affiant respectfully requests the Court issue the proposed arrest warrant.
21. Assistant United States Attorney Joseph Spindle approved federal prosecution in this matter.

Respectfully Submitted,



SA Gary Cahoon
Federal Bureau of Investigation
Albuquerque Division

Subscribed and sworn to
Before me on this 21 day
Of August, 2018



UNITED STATES MAGISTRATE JUDGE